

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

BOBBY LUCKY, #1048046

V.

DOUG DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE-INSTITUTIONAL DIVISION

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CIVIL ACTION NO. G-06-105

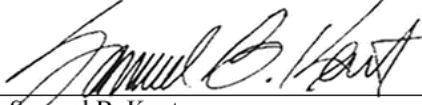
ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the Magistrate Judge, entered on June 2, 2006, which recommends that the Application for Writ of Habeas Corpus of Bobby Lucky be dismissed for failure to exhaust administrative remedies. Lucky filed objections to the Report and Recommendation; however the objections are wholly unresponsive to the fact that he failed to meet the mandatory exhaustion requirement prior to filing the instant cause. The objections are without merit.

Accordingly, having given this matter *de novo* review as required by 28 U.S.C. §636 (b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of relevant law and should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein.

It is **ORDERED** that the Application for Writ of Habeas Corpus of Bobby Lucky is **DENIED** and this case is **DISMISSED** with prejudice.

DONE at Galveston, Texas, this the 29th day of June, 2006.


Samuel B. Kent
United States District Judge